

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Baker et al. Docket No.: 39780-2830P1C58
Serial No.: 10/015,392 Group Art Unit: 1647
Filing Date: December 12, 2001 Examiner: Landsman, Robert S.
For: NUCLEIC ACIDS ENCODING PRO1410 POLYPEPTIDES

EXPRESS MAIL LABEL NO. EL 993 689 298 US
Date Mailed: September 15, 2004

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

MAIL STOP: AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
 - ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
 - ☐ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
 - ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

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☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☐ a certification as specified in §1.97(e) is provided below; **or**

☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of **\$180.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39780-2830P1C58).**

Respectfully submitted,

Dated: September 15, 2004

By: Daphne Reddy
Daphne Reddy, Ph.D. (Reg. No. 53,507)

HELLER EHRMAN WHITE & MCAULIFFE LLP

275 Middlefield Road

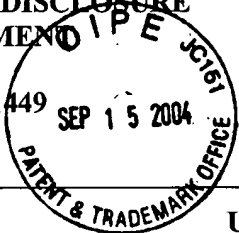
Menlo Park, California 94025-3506

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INFORMATION DISCLOSURE STATEMENT PTO-1449			ATTY. DOCKET NO.: 39780-2830P1C58		SERIAL NO.: 10/015,392	
SEP 15 2004 PATENT & TRADEMARK OFFICE			APPLICANT : Kevin P. BAKER, et al.			
			FILING DATE: 12/12/2001		GROUP:	
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES NO
						<input type="checkbox"/> <input type="checkbox"/>
						<input type="checkbox"/> <input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
	Dayhoff, Accession No.: P_AAB50967, WO 200073348-A2, Pub Date: December 7, 2000, Baker, K.P., et al.					
	Dayhoff, Accession No.: P_AAY99415, WO 200012708-A2, Pub Date: March 9, 2000, Baker, K., et al.					
	Dayhoff, Accession No.: P_AAB01417, WO 200039150-A2, Pub Date: July 6, 2000, Sharp, J.D.					
	Dayhoff, Accession No.: P_AAB33455, WO 200053758-A2, Pub Date: September 14, 2000, Ashkenazi, A.J., et al.					
	Dayhoff, Accession No.: P_AAB24023, WO 200053750-A1, Pub Date: September 14, 2000, Botstein, D., et al.					
	GenBank, Accession No.: P_AAC58620, WO 200053758-A2, Pub Date: September 14, 2000, Ashkenazi, A.J., et al.					
	GenBank, Accession No.: P_AAA37097, WO 200012708-A2, Pub Date: March 9, 2000, Baker, K., et al.					
	GenBank, Accession No.: P_AAC91569, WO 200073348-A2, Pub Date: December 7, 2000, Baker, K.P., et al.					
	GenBank, Accession No.: AX055718, WO 0073348-A3, Pub Date: December 7, 2000, Baker, K.P., et al.					
	GenBank, Accession No.: P_AAC58105, WO 200053750-A1, Pub Date: September 14, 2000, Botstein, D., et al.					
	GenBank, Accession No.: AAA47450, WO 200039150-A2, Pub Date: July 6, 2000, Sharp, J.D.					
	GenBank, Accession No.: AP002990, Direct Submission, Submitted: December 1, 2000, Hattori, M., et al.					
	GenBank, Accession No.: AC090702, Direct Submission, Submitted: March 8, 2001, Birren, B., et al.					
	GenBank, Accession No.: AC090306, Direct Submission, Submitted: February 17, 2001, Birren, B., et al.					
	GenBank, Accession No.: AC090232, Direct Submission, Submitted: February 17, 2001, Birren, B., et al.					
EXAMINER			DATE CONSIDERED			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES NO
						<input type="checkbox"/> <input type="checkbox"/>
						<input type="checkbox"/> <input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
	GenBank, Accession No.: AC087681, Direct Submission, Submitted: January 15, 2001, Birren, B., et al.					
	Hanna, J.S., et al., "HER-2/neu Breat Cancer Predictive Testing", Oathology Associates Medical Laboratores - (1999).					
	Hyman, E., et al., "Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer ^{1,2} ", <i>Cancer Research</i> - 62:6240-6245 (2002).					
	Orntoft, T.F., et al., "Genome-wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-Invasive and Invasive Human Transitional Cell Carcinomas", <i>Molecular & Cellular Proteomics</i> - 1:37-45 (2002).					
	Pollack, J.R., et al., "Microarray Analysis Reveals a Major Direct Role of DNA Copy Number Alteration in the Transcriptional Program of Human Breast Tumors", <i>PNAS</i> - 99(20):12963-12968 (2002).					
	Schnabel, M., et al., "Osteoarthritis and Cartilage", <i>Journal of the OsteoArthritis Research Society International</i> , - 10:62-70 (2002).					
	Zhang, Yaou, et al., "Versican Modulates Embryonic Chondrocyte Morphology via the Epidermal Growth Factor-like Motifs in G3", <i>Experimental Cell Research</i> - 263:33-42 (2001).					
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